IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY FOURTH DAY OF JANUARY
TWO THOUSAND AND SIX

PRESENT

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION No. 4753 of 2002

Between:

B.Madanlal

..... PETITIONER

AND

Senior Divisional Manager, Indian Oil Corporation Ltd.,
IIIrd Floor, G.V.R.Towers, Bharatnagar,
Ring Road, Vijayawada-520 008 and 4 others

.....RESPONDENTS

ORDER:

This writ petition is filed questioning the selection of the 5th respondent as a dealer for retail outlet of petrol-diesel in Kandukur town of Prakasam District.

Heard the learned counsel on either side.

The Indian Oil Corporation Limited, Government of India, has issued an advertisement on 11.09.2001, inviting applications for appointment of dealers for petrol-diesel retail outlets in various locations in the State of Andhra Pradesh. One of such location, which is notified by Sl.No.30 is at Kandukur town of Prakasam District and the said retail outlet is reserved for outstanding sports persons and the guidelines issued in this regard are also notified along with the notification published in newspaper inviting applications. So far as Sl.No.30 is concerned, the petitioner, 5th respondent and one other candidate applied and the Dealer Selection Board (for short 'the Board'), which is headed by a judicial officer, conducted interviews on 04.02.2002 and displayed the merit list in the quota reserved for outstanding sports persons. In the said list, after scrutiny of various documents submitted by the petitioner and vis-à-vis the 5th respondent, the 5th respondent was figured at first position and is appointed as a retail outlet dealer.

It is a case of the petitioner that he is having preferential merit to consider him as an outstanding sports person in view of his talent in Hockey. It is stated that he has participated in several international events.

One counter affidavit is filed by the Deputy Manager, Indian Oil Corporation Limited, wherein it is stated that all the applications received in response to the notification were scrutinized by the Corporation and forwarded to the Dealer Selection Board which has processed the applications by conducting necessary interviews and placements were made in accordance with guidelines issued by the Ministry of Petroleum.

So also the 5th respondent filed his counter affidavit, with which a copy of merit

certificate, secured by him as a winner, is also annexed. It is his case that he is a better meritorious candidate than the petitioner and supported the procedure adopted by the Dealer Selection Board.

Separate counter affidavit is filed by the Chairman of the Dealer Selection Board, wherein it is stated that the Dealer Selection Board, which is chaired by a retired judicial officer and two other senior officials of the Oil Corporation, not below the rank of Deputy General Manager, have considered the ranking of the petitioner, 5th respondent and other applicant, who responded to the notification. In the counter affidavit, it is stated that the petitioner submitted certain certificates which merely indicate the participation in the events, but whereas the 5th respondent participated in the 14th National Kabaddi Championship and emerged as a winner. Further, considering the *inter se* merit of the candidates and on evaluation with reference to the personality, business ability, salesmanship, educational qualifications etc., the candidates were ranked in order of merit and the 5th respondent has secured the first position.

In view of the rival contentions, the only question that arises for consideration is whether there is any arbitrariness on the part of the respondent-Corporation in selecting the 5th respondent in preference to the petitioner.

It is a case of the petitioner that he has participated in the international events, and in that view of the matter he claims priority of merit over the 5th respondent for selection in the quota reserved for outstanding sports persons. The certificates submitted by the petitioner before the Board merely indicate his participation in the events, but, however, the 5th respondent who is placed at first position in the category, emerged as a winner in the 14th National Kabaddi Championship. Further when the duly constituted selection Board has considered the relevant merits of the petitioner and the 5th respondent, as per the guidelines issued by the Ministry of Petroleum, merely on the ground that as the petitioner has participated in the international events, automatically, he cannot give preferential merit over the 5th respondent. It is for the members of the Board to consider relevant merit and other relevant considerations for evaluation for preparation of merit list. Unless and until the petitioner demonstrably projects his case that he is having a better qualification than the 5th respondent, the procedure adopted by the Dealer Selection Board cannot be

considered as arbitrary or illegal, which warrants interference in this writ petition, which is filed under Article 226 of the Constitution of India. The certificates filed by the petitioner though indicate that he has participated certain international events, but it is for the Board to consider the overall merit taking into account of all the certificates of merit of all the applicants, who responded in the particular category. Having regard to the fact that the 5th respondent emerged as a winner in the 14th National Kabaddi Championship and coupled with the other qualifications, was shown at first position in the merit rank, prepared for the quota reserved for outstanding sports persons category.

In that view of the matter I do not find any illegality or irregularity in the procedure adopted by the Dealer Selection Board in appointing the 5th respondent as a petrol-diesel retail outlet dealer for Kandukur town of Prakasam District which is reserved for outstanding sports persons. The writ petition is devoid of merit and liable to be dismissed.

Accordingly, the Writ Petition is dismissed. No order as to costs.

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R.SUBHASH REDDY,J

Dated: 24.01.2006

Dsr